



October 4, 2004

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W.
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Commissioner Jonathan Adelstein
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CHOICE Coalition *Emergency Joint Petition for Line Sharing Stay*, CC Docket Nos. 01-338, 96-98, 98-147

Dear Chairman Powell and Commissioners:

The Association for Local Telecommunications Services (ALTS) and CompTel/ASCENT (CompTel), on behalf of the competitive telecommunications industry, hereby submit this letter urging immediate Commission action on the CHOICE Coalition's *Emergency Joint Petition for Stay*. CHOICE represents numerous small, mostly rural broadband carriers that rely on linesharing to provide innovative, affordable broadband services to consumers that, in many cases, would have no other access to broadband. In its stay request, CHOICE asks the Commission to temporarily delay limited aspects of the 2003 linesharing decision – in particular, the one year clock for denial of access to new customers. Because the first year of the FCC's phase out of linesharing ends today, competitive carriers are no longer entitled to purchase new linesharing UNEs pursuant to the Commission's section 251 unbundling rules. Immediate emergency action by the Commission is necessary to prevent massive disruption to dozens of broadband companies nationwide, including CHOICE members, that rely on linesharing to provide broadband connectivity to consumers. In particular, today marks the day that consumers in rural areas may be cut off entirely from broadband services. At the very least, customers seeking to purchase new broadband services will see these prices increase substantially due to the discontinuance of linesharing. Because retail broadband services are not price regulated, and the CHOICE members are the only competitive alternatives available to

many customers, cost increases to competitors will rationally translate into price increases to consumers.

ALTS and CompTel urge the Commission to recognize that effectuation today of the linesharing phaseout, before the Commission has an opportunity to revisit its linesharing rules in the pending Triennial Review remand proceeding, would cause immediate irreparable harm to consumers. Given the strong support for linesharing expressed by a majority of this Commission, it would be nonsensical for the Commission to shut off access to linesharing between now and December, when the Commission has committed to completing its new unbundling rules.

ALTS and CompTel urge the Commission to temporarily delay the linesharing phaseout until, at minimum, the Commission's final action adopting new loop unbundling rules. Failure to grant the limited stay requested by CHOICE would result in massive disruption in broadband services to residential and rural consumers. Given the nation's focus on promoting broadband deployment for all Americans, and in particular those in rural areas, denial of access to linesharing runs directly counter to the publicly-expressed interests of policymakers to do everything necessary to promote broadband availability. In particular, because linesharing uses copper loops, not fiber loops, the Commission's stated policies for advancement of broadband deployment are fully served by continued access to linesharing. For the reasons set forth in the *Emergency Joint Petition for Stay* and accompanying affidavits, ALTS and CompTel respectfully request the FCC to grant the limited stay petition.

Respectfully submitted,

/s/

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